

REMARKS

In response to the Office Action mailed October 7, 2005, the Applicant respectfully requests reconsideration. To further the prosecution of this Application, the Applicant submits the following remarks and has added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1, 3-7, 9-14, 16, 17, 19-29, 31, and 33-36 were pending in this Application. By this Amendment, claims 37-40 have been added. Accordingly, claims , 3-7, 9-14, 16, 17, 19-29, 31, and 33-40 are now pending in this Application. Claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, 35, and 40 are independent claims and the remaining claims are dependent claims.

Claim Amendments

Claim 29 has been amended to correct the dependency of the claim such that it now properly depends from claim 28. No new matter has been added to the Application as a result of the amendments and the Applicants have not raised any new issues that would require further searching and consideration.

Rejections under §103

Claims 1, 3-7, 9-14, 16, 17, 19-29, 31, and 33-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,506,961 to Carlson et al. (hereafter Carlson) in view of U.S. Patent No. 6,567,853 to Shomler (hereafter Shomler). The Applicant asserts that the present claimed invention is not anticipated by any disclosure in either Carlson or Shomler because neither Carlson nor Shomler teaches or suggests all of the claim limitations of the independent claims. The Applicant respectfully traverses each of these rejections and requests reconsideration.

Taking the Applicant's claim 1 as an example, the claim recites, in part, a data storage system for accessing a set of data, the system comprising a data access manager for establishing a plurality of tokens for accessing the set of data, a network connection in communication with the data access manager, and a data storage assembly in communication with the network connection. Further, the data storage assembly includes (i) a set of storage locations that stores the set of data, and (ii) *a control circuit configured to receive from a host in communication with the data access manager over the network connection (i) a device oriented, block based command to access the set of data and (ii) a first access token of the plurality of tokens that provides access to the set of data stored in the set of storage locations in the data storage system.*

Carlson relates to the authorization of peer-to-peer connections. In the present Office Action, with respect to the rejection of independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35, the Examiner indicates that Carlson does not teach "the device oriented, block based command to access the set of data" as claimed by the Applicant and relies on Shomler for such a teaching. However, Shomler does not cure the deficiencies of Carlson.

Shomler relates to data transfers that utilize non-server reconnections from storage devices. The system of Shomler includes a server system, a client system, and a storage system where the server system interfaces with the client system and the storage system. In Shomler, to initiate data transfer, a process in the client system sends a server request to the server in a logically supported form (e.g., network file system, NFS). The request is intercepted by a storage device driver in the client system which forwards the request to the server and tags the message to the server with a unique-in-client-driver request identification (ID) token. Upon reception, the server validates the request and sends a command message in an appropriate storage device protocol, such as SCSI, to

each of the storage devices that the client system will employ for data transfer. The storage device then acknowledges the server request and the server returns a message to the client's driver that references the client request and identifies the storage device(s) required for data transfer.

With respect to independent claims 1, 7, 13, 14, 17, 23, 26, and 35, and contrary to the assertions made by the Examiner, Shomler does not teach or suggest receiving, from a host over a network connection, *a device oriented, block based command to access a set of data*, as claimed by the Applicant. With respect to independent claims 21, 23, 25, and 28, Shomler does not teach or suggest a host configured to generate *a device oriented, block based command to access the set of data stored in the set of storage locations*.

In Shomler, the host or client transmits, to the server, a request to initiate data transfer "in the logical form supported (e.g., network file system, NFS)." Shomler does not teach or suggest that this request is a *device oriented, block based command to access a set of data*. Furthermore, while the storage devices in Shomler do receive a command message in a storage device protocol, such as SCSI, the command messages are transmitted from the server to the storage device, **not from the client or host**. As such, Shomler does not teach or suggest receiving, from a host over a network connection, *a device oriented, block based command to access a set of data* as claimed by the Applicant. Shomler also does not teach or suggest a host configured to generate *a device oriented, block based command to access the set of data stored in the set of storage locations*.

For the reasons stated above, independent claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 patentably distinguish over the cited prior art, and the rejection of the claims under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, claims 1, 7, 13, 14, 17, 20, 21, 23, 25, 26, 28, and 35 are in allowable condition.

Further, claims 3-6, 27, 31, 33, and 36 which depend from claim 1, claims 9-12, which depend from claim 7, claim 16, which depends from claim 14, claim 19, which depends from claim 17, claims 22 and 34, which depend from claim 21, claim 24, which depends from claim 23, and claim 29, which depends from claim 28 are also allowable for the same, and other, reasons.

Newly Added Claims

Claims 37-40 have been added and are believed to be in allowable condition. Claims 37-39 depend from claim 1. Support for claims 37-39 is provided within the Specification, for example, on page 16, lines 5-11. Independent claim 40 recites the features presented in previously examined claims 1, 31, and 36 along with the features presented in new claim 37. No new matter has been added to the application by these claims.

-25-

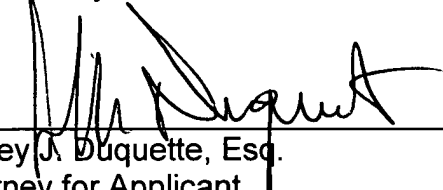
Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

The Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,



Jeffrey J. Duquette, Esq.
Attorney for Applicant

USPTO Registration No.: 45,487
Bainwood, Huang & Associates, LLC
Highpoint Center
2 Connector Road, Suite 2A
Westborough, Massachusetts 01581
Telephone: (508) 616-2900 (Main)
Facsimile: (508) 366-4688 (Fax)

Attorney Docket No.: EMC00-28(00163)

Dated: January 18, 2006